THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.25840 of 2003

Dated: 30th September, 2006

Between:

Syed Ahmed Abdul Raheem

Shuttari.K.Bagya Lakshmi.

…..PETITIONER

AND

The Managing Director,

APSRTC, Musheerabad, Hyderabad

& 2 others.

….RESPONDENTS

THE HON'BLE SRI JUSTICE

N.V.RAMANA

WRIT PETITION NO. 25840 OF 2003

ORAL ORDER:

This writ petition is filed seeking a direction to the first respondent to investigate the crime No. 196 of 2003 of Pahadi Shareef police station by the C.B.C.I.D or C.C.S Murder team.

The facts in brief, which lead to filing of the present writ petition are as under;

The daughter of the petitioner was married to one Syed Riyaz Ahmad. The petitioner alleges that his son-in-law used to harass her daughter and demand additional dowry, and that unable to bear the harassment, his daughter committed suicide on 31.10.2003 by hanging herself. The petitioner alleges that he has given a complaint written in Urdu requesting the police authorities to register a case of murder/dowry death, but the police officials, who are hand in glove with his son-in-law, changed the complexion of the complaint, and registered First Information Report No. 196 of 2003, projecting as if his daughter had committed suicide. Thus, the petitioner alleging that the police officials being hand in glove with his son-in-law had diluted the case, sought a direction to the first respondent to investigate the death of his daughter through C.B.C.I.D or C.C.S. Murder Team.

Pursuant to receipt of notice ordered by this Court, a detailed counter-affidavit is filed by the Sub-Inspector of Police, on behalf of the respondents. In the counter-affidavit the respondents denied the contention of the petitioner that he gave complaint written in Urdu, and that he had visited the house of the complainant and taken his signature on the complaint reduced in writing in Telugu. He submitted that the petitioner made oral complaint stating that one Syed Riyaz Ahmed married his second daughter in February, 2001, and that right from the day of marriage, the couple used to quarrel over petty domestic issues, and that his efforts to mediate with community elders, went in vain. That on 31.10.2003, his son-in-law having quarreled with his daughter, went to his parents house, and that his daughter gave her child to one Dayanand, Maid-Servant, and went into the house and committed suicide by hanging. The said oral complaint was reduced into writing in Telugu, and the same having been read over and explained to the petitioner in Urdu, he had put his signature. Thereupon, a case in Crime No. 196/2003 for the offence under Section 306 IPC was registered. During the course of investigation, the Mandal Revenue Officer, Saroornagar, conducted inquest over the dead body, and there-after, the dead body was sent to post-mortem examination, and Dr. T. Mahender Reddy, Assistant Professor of Forensic Medicine, Osmania Medical College, Hyderabad, who conducted the post-mortem, gave post-mortem examination report, opining that the deceased died due to hanging.

He denied that police are hand-in-glove with the son-in-law of the petitioner, and submitted that during the course of investigation, they recorded the statement of Dayanand, Maid-Servant, who stated that after the incident, the body of deceased was removed from hanging position and laid on the floor of the house. It is submitted that neither the petitioner nor his daughter made any complaint of dowry harassment at any point of time before the police, and that no such complaint of dowry

harassment was made in the oral complaint or in the statement recorded under Section 161 Cr.P.C. It is submitted that, he having conducted the investigation, filed charge-sheet before the competent court, and the same is pending on the file of the Additional Judicial First Class Magistrate court, East & North, Ranga Reddy District at L.B. Nagar, and if the petitioner is aggrieved with the investigation, he is at liberty to file objections before the Hon'ble Court.

Heard the learned counsel for petitioner and learned Government Pleader for Home for the respondents.

The fact that the petitioner made written complaint in Urdu, is denied by the respondents, and it is their specific case that the petitioner made oral complaint, which having been reduced into writing in Telugu, was read over and explained to the petitioner, and thereafter, he had appended his signature on the complaint. It is further the case of the respondents that neither the petitioner nor the daughter of the petitioner at no point of time made any complaint of dowry harassment, and that neither in his oral complaint, which was reduced into writing nor in the statement recorded under Section 161 Cr.P.C., the petitioner stated about the dowry harassment and that because of dowry harassment, the petitioner's daughter committed suicide by hanging. This apart, it is the case of the respondents that after reducing the complaint into writing, they registered a case in Crime No. 196/2003, and during the course of investigation, they recorded the statement of the petitioner as also one Mr. T. Dayanand, Maid-Servant, to whom the petitioner's daughter had given the child before hanging herself. Even the post-mortem conducted by the Assistant Professor of Forensic Medicine, Osmania Medical College, Hyderabad, in his post-mortem report opined that the petitioner's daughter died due to hanging. Further, the investigation having been completed, it is stated that the respondents filed charge-sheet on the file of the Additional Judicial First Class Magistrate, East & North, Ranga Reddy District at L.B. Nagar. The petitioner having not spoken anything about the dowry harassment meted out to her daughter either in the oral complaint or in the statement given to the police under Section 161 Cr.P.C., cannot contend that the respondents had changed his version, and more so when it is the case of the respondents that the contents of the complaint were read over and explained to the petitioner in his mother tongue before taking his signature thereon. Inasmuch as the respondents having investigated into the complaint, filed charge-sheet on the file of the Additional Judicial First Class Magistrate, East & North, Ranga Reddy District at L.B. Nagar, no further investigation is required, much less by the C.B.C.I.D. or C.I.D. Murder Team, and more so when the petitioner has not made out any case, for investigation either by C.B.C.I.D. or C.I.D. Murder Team.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V.RAMANA,J

Date: 30-09-2005

GRK